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Senate Unanimously Confirms Chertoff as Security Chief

By SHERYL GAY STOLBERG

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WASHINGTON, Feb. 15 - Michael Chertoff, a federal appeals court judge and a former head of the Justice Department's criminal division, was unanimously confirmed by the Senate as homeland security secretary on Tuesday, virtually completing the second-term makeover of President Bush's cabinet.

The vote, 98-0, makes Mr. Chertoff the ninth and final cabinet secretary to win Senate confirmation since Mr. Bush was sworn in Jan. 20.

Mr. Chertoff was sworn in Tuesday evening by Harriet Miers, the White House counsel, in a ceremony in the office of the chief of staff, Andrew H. Card Jr.

Mr. Chertoff's nomination sailed through the Senate, in contrast to the intense debates about Condoleezza Rice, the secretary of state, and Alberto R. Gonzales, the attorney general. Many Democrats effusively praised Mr. Chertoff despite questioning his role in the Bush administration's policy on the treatment of terrorism suspects while he headed the Justice Department's criminal division from June 2001 to June 2003.

"He is highly intelligent, honorable and impartial," said Senator Jon Corzine, Democrat of New Jersey, a state where Mr. Chertoff once was a federal prosecutor. "He is also a straight shooter, which is exactly what we need."

But Democrats strongly objected to a decision by the Bush administration to withhold an internal Federal Bureau of



Doug Mills/The New York Times
Michael Chertoff during his confirmation hearings this month.

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Investigation document that, they said, might have answered their questions about whether Mr. Chertoff was aware of the abuse of terrorism suspects detained at Guantánamo Bay, Cuba. The Justice Department cited federal privacy laws as the reason to withhold the memorandum, which had been requested by Senator Carl Levin, Democrat of Michigan. Instead, Mr. Levin received an edited version.

"In Judge Chertoff's case we know that during his tenure the torture policies authorized by Justice and given in effect by the Department of Defense were hotly debated," said Senator Harry Reid of Nevada, the Democratic leader. The withholding of the document, Mr. Reid said, "prevents us from truly understanding Judge Chertoff's role."

Republicans, though, defended the decision, noting that at his confirmation hearing Mr. Chertoff testified he did not provide advice on the legality of specific interrogation techniques.

"The questions about Judge Chertoff's knowledge of treatment of detainees have been asked and answered repeatedly," said Senator Susan Collins, Republican of Maine and chairwoman of the Homeland Security and Governmental Affairs Committee.

In the weeks after the Sept. 11 terrorist attacks, Mr. Chertoff, then at the Justice Department, was among the proponents of a crackdown that swept hundreds of people into detention, an approach that he vigorously defended in Congressional testimony at the time.

In his confirmation hearing this month, however, he acknowledged that federal authorities at times acted in a "wholly unacceptable" way, arresting immigrants on questionable tips, not always providing speedy access to lawyers and, in some cases, abusing detainees.

Democrats praised his willingness to admit that mistakes had been made. .

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